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5 Attorney for Defendant
THE HIGHER GEAR GROUP, INC.

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

Case No. C07-02849 JL

11 DANIEL GRUMLEY,

12 Plaintiff,

13 vs.

NOTICE OF UNAVAILABILITY

14 THE HIGHER GEAR GROUP, INC.

15 Defendant.

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18 NOTICE IS HEREBY GIVEN that Laura Stevens, Counsel for
19 Defendant/CounterPlaintiff THE HIGHER GEAR GROUP, INC., is out of the country
20 and unavailable for the periods of September 6 to 27, 2007 and January 10 to
21 February 15, 2008.

22 An attorney who seeks to take advantage of the absence of opposing
23 counsel by purposefully and deliberately scheduling hearings and appearances
24 during the period of absence may be sanctioned by the court. [Tenderloin Housing](#)
[Clinic, Inc. v. Sparks](#) (1992) 8 Cal. App. 4th 299, 10 Cal. Rptr. 2d 371.

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1 Dated: August 10, 2007

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3 Laura Stevens
4 Attorney for Defendant/Counter-Plaintiff
5 THE HIGHER GEAR GROUP, INC.
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